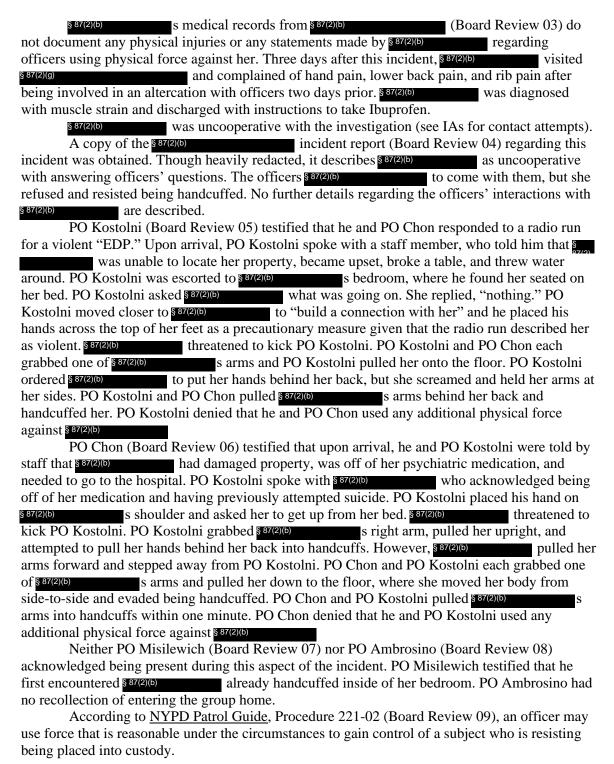
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force		Discourt.	☐ U.S.
Cassandra Fenkel		Squad #6	201800529	<u> </u>	Abuse		O.L.	 ☐ Injury
Incident Date(s)		Location of Incident:	•	P	recinct:	18	Mo. SOL	EO SOL
Saturday, 01/20/2018 12:30 PM		§ 87(2)(b)			75	7/	20/2019	7/20/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB
Sun, 01/21/2018 9:20 PM		CCRB	On-line website		Sun, 01/21	/2018	9:20 PM	
Complainant/Victim	Туре	Home Addre	ess					_
Witness(es)		Home Addre	ess					_
Subject Officer(s)	Shield	TaxID	Command					
1. POM Jeremy Kostolni	7797	955024	075 PCT					
2. POM Anthony Chon	01857	963458	075 PCT					
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. POM Anthony Ambrosino	08260	954483	075 PCT					
2. POM Michael Misilewich	03869	950892	075 PCT					
Officer(s)	Allegati	on			Inve	estiga	tor Recon	nmendation
A.POM Jeremy Kostolni	Force: Peagainst §	olice Officer Jeremy Ko 87(2)(b)	stolni used physical	force	e			
B.POM Anthony Chon	Force: Pagainst §	olice Officer Anthony C	hon used physical fo	orce				
C.POM Jeremy Kostolni	Force: P	olice Officer Jeremy Konstanting.	stolni restricted § 87(2)	)(b)				
D.POM Jeremy Kostolni	Abuse: Police Officer Jeremy Kostolni forcibly removed to the hospital.							
E.POM Anthony Chon	Abuse: Police Officer Anthony Chon forcibly removed to the hospital.							
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								

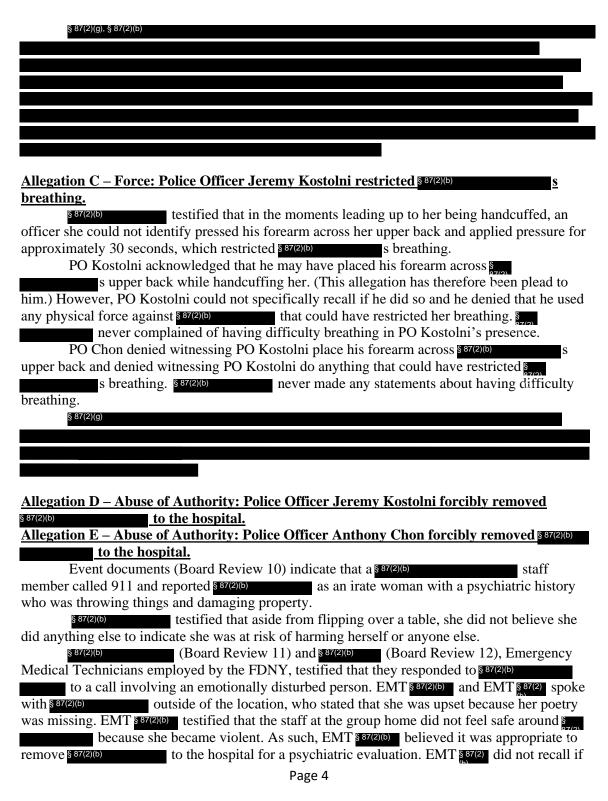
## **Case Summary**

<u>Case Summary</u>
On January 21, 2018, \$87(2)(b) filed this complaint via the CCRB's online
website.
On January 20, 2018, at approximately 12:30 p.m., Police Officer Jeremy Kostolni,
Police Officer Anthony Chon, Police Officer Anthony Ambrosino, and Police Officer Michael
Misilewich, all of the 75 <sup>th</sup> Precinct, responded to \$87(2)(b)
PO Kostolni allegedly used a forcible
takedown on \$87(2)(b) (Allegation A: Force, \$87(2)(g) and he and PO Chon
allegedly held \$87(2)(b) down against the floor (Allegation A continued, Allegation B:
Force, \$87(2)(9) PO Kostolni pressed his forearm against \$87(2)(6) s upper back,
which allegedly restricted her breathing (Allegation C: Force, \$87(2)(9)
was removed to \$87(2)(5) (Allegations D – E: Abuse of Authority,
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
No arrests or summonses resulted from this incident.
There is no video evidence in this case.
Findings and Recommendations
Allegation A – Force: Police Officer Jeremy Kostolni used physical force against 887(2)(b)
Allegation B – Force: Police Officer Anthony Chon used physical force against \$87(2)(5)
Anegation B – Porce. I once Officer Anthony Chon used physical force against solution
(Board Review 01, Board Review 02) testified that prior to this incident,
she became upset because she believed her book of poetry had been stolen by another resident of
her group home. She yelled and flipped over a table in the common room before ultimately
locating her property and returning to her bedroom. Approximately two minutes later, PO
Kostolni, PO Chon, and three additional officers entered \$87(2)(b) s bedroom,
accompanied by \$87(2)(b) a staff member of \$87(2)(b) (The
investigation determined that PO Kostolni and PO Chon were the only officers present during this
aspect of the incident).
,
PO Kostolni approached \$87(2)(b) while she sat on her bed, stated "we need to talk" and placed his hand on \$87(2)(b) s ankle. \$87(2)(b) pulled her ankle away.
PO Kostolni allegedly grabbed \$87(2)(b) s ankle and dragged her from her bed onto the
floor. § 87(2)(b) landed on her back. An officer, § 87(2)(b) could not recall who,
ordered her to get onto her stomach, but § 87(2)(b) refused. Officers, § 87(2)(b)
could not describe who, grabbed her left ankle, twisted her leg, grabbed onto her arms, and
· · · · · · · · · · · · · · · · · · ·
* ' ' '
legs back and forth. As she moved, an officer, \$87(2)(b) could not distinguish who,
pressed his hand against her left cheek for approximately 30 seconds until she was handcuffed.
was ultimately transported to \$87(2)(b) for a psychiatric
evaluation.

Page 2



Page 3



denied that \$887(2)(b) was taken to the hospital against her will and specifically requested
to go to \$87(2)(b) because she previously received psychiatric treatment there. EM
additionally noted that she would never transport a patient who she did not believe require
further treatment.
PO Kostolni and PO Chon testified that they learned from a staff member that in
additional to damaging property, \$87(2)(b) had a history of suicidal ideation and was
possibly off her medication. PO Kostolni testified that he informed EMTs of the events that
transpired prior to their arrival, and that the EMTs made the decision to remove §87(2)(b)
to the hospital. PO Chon believed that the staff requested EMTs remove §87(2)(b) to the
hospital.
PO Ambrosino testified that the decision to remove \$87(2)(b) to the hospital was
made in consultation with the EMTs and staff at the group home. PO Misilewich could not recal
if he was present during this aspect of the incident or had left prior to the EMTs' arrival.
The incident report prepared by \$87(2)(b) was heavily redacted. The repo
describes that \$87(2)(6) engaged in a "verbal altercation," but does not otherwise describ
the details of this incident.
§ 87(2)(g)
S 07/4 by S 07/0\/->
§ 87(4-b), § 87(2)(g)
§ 87(4-b), § 87(2)(g)

Officer CCRB Histories

Page 5

- This is the first CCRB complaint to which §87(2)(b) has been a party (Board Review 16).
- PO Kostolni has been a member-of-the-service for five years and been a subject in one CCRB complaint involving one allegation, which was not substantiated. §87(2)(9)
- PO Chon has been a member-of-the-service for one year and this is the first CRB complaint to which he has been a subject.

## **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of July 6, 2018, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards to this complaint (Board Review 17).
  §87(2)(6), §87(2)(6) (impair contract awards or CBAs)

Squad No.: #	‡ <u>6</u>		
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

Page 6